

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHON M. BENNETT

v.

C/O WASHINGTON, et al.

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CIVIL ACTION

NO. 11-176

**ORDER**

**AND NOW**, this 13th day of August, 2012, upon consideration of Defendant Transcare ML Inc.'s ("Transcare") Motion to Dismiss Plaintiff's Amended Complaint (Docket No. 36), and Plaintiff's response thereto, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. The Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**. The Motion is **GRANTED** as to Plaintiff's claim under 42 U.S.C. § 1983 against Transcare, and that claim is **DISMISSED**. The Motion is **DENIED** as to Plaintiff's state law claim against Transcare.
2. Transcare shall file an Answer to Plaintiff's Amended Complaint within 20 days of the date of this Order.

BY THE COURT:

/s/ John R. Padova  
John R. Padova, J.